

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DAVID CAIN, *individually and on
behalf of similarly situated persons,*

Plaintiff,

v.

AJD PIZZA MANAGEMENT, LLC and
AARON DOLKOWSKI,

Defendants.

Case No. 2:21-cv-10860-LJM-CI
Honorable Laurie J. Michelson

**ORDER PRELIMINARILY APPROVING SETTLEMENT,
CONDITIONALLY CERTIFYING FLSA COLLECTIVE ACTION,
PRELIMINARILY CERTIFYING A RULE 23 CLASS ACTION, AND
GRANTING OTHER RELIEF**

In November 2021, the parties filed a joint motion making several requests. They asked that this Court (1) grant leave to file an amended complaint that added a claim under Michigan Improved Workforce Opportunity Wage Act, MCL § 408.931, (2) conditionally certify a Fair Labor Standards Act (“FLSA”) collective action pursuant to Section 216, (3) certify a class action pursuant to Federal Rule of Civil Procedure 23 for the two claims under Michigan law, (4) preliminarily approve the parties’ settlement agreement, (5) approve the class notice and claim form that would be sent to the putative claimants, and (6) schedule a final approval hearing. (ECF No. 14, PageID.88–89.)

The Court carefully reviewed the motion, the settlement agreement, the proposed class notice, and the proposed claim form. The Court also reviewed opinions

in similar cases. Then, on August 22, 2022, the Court held hearing where it expressed some concerns about the settlement and the notice.

Following the hearing, the parties amended the settlement agreement and amended the notice to class members. The Court carefully reviewed both documents and informed the parties that some additional changes to the notice were desired. The parties made all of the additional changes to the notice.

Given all of the above, the Court now ORDERS as follows:

1. Plaintiff is granted leave to file an amended complaint adding a class claim under the Michigan Improved Workforce Opportunity Wage Act, Michigan Compiled Laws § 408.931 *et seq.*;
2. a Fair Labor Standards Act collective action pursuant to Section 216 is conditionally certified;
3. a Rule 23 class action for the two claims under Michigan law is certified for purposes of settlement;
4. the parties' amended settlement of the class claims (*see* ECF Nos. 15, 20) is preliminarily approved as it appears to be fair, reasonable, and adequate as to members of the class, subject to any objections that may be raised at the final fairness hearing and final approval of the class settlement by this Court;
5. the parties' second updated Notice of Class and Collective Action Settlement and Final Fairness Hearing (ECF No. 23) is approved as to form

and content as providing reasonable notice practicable under the circumstances and in full compliance with applicable law and;

6. a final approval hearing will be held on December 13, 2022, at 10:00 a.m.

To the extent the parties' joint motion (ECF No. 14) is consistent with this order, it is GRANTED.

SO ORDERED.

Dated: September 2, 2022

s/Laurie J. Michelson
LAURIE J. MICHELSON
UNITED STATES DISTRICT JUDGE